

AN ORDINANCE

04-O-1351

BY COUNCIL MEMBER CLETA WINSLOW

**AS SUBSTITUTED BY
COMMUNITY DEVELOPMENT/HUMAN RESOURCE COMMITTEE**

AN ORDINANCE AUTHORIZING THE SALE OF A REMNANT OF LAND KNOWN AS PARCEL 18, AREA 3 OF THE MODEL CITIES URBAN REDEVELOPMENT AREA TO THE ABUTTING PROPERTY OWNER, M & A HOMES, LLC; AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED TO M & A HOMES, LLC; AND FOR OTHER PURPOSES.

WHEREAS, M & A Homes, LLC currently owns property located at 72 Gregg Street and has a purchase agreement for the adjoining property located 458 & 462 Ira Street; and

WHEREAS, M & A Homes LLC originally planned to redevelop their property facing Gregg Street to produce a total of six fee-simple town homes to be marketed to moderate income households; and

WHEREAS, the City has determined that the proposed development must face Fulton Street; and

WHEREAS, as a part of the Urban Redevelopment Land Inventory; the Housing Authority of the City of Atlanta conveyed to the City of Atlanta a remnant of land known as Parcel 18 Area 3 of the Model Cities Urban Redevelopment Area, said remnant is further described in the warranty deed and legal description attached as Exhibit "A"; and

WHEREAS, the remnant, which is a narrow strip of unbuildable land comprising 12,056 square foot along the north side of Fulton Street between Ira Street and Windsor Street, as shown on Exhibit "B" and further described in the warranty deed and legal description attached as Exhibit "A", remains as a result of the widening Fulton Street in the Mechanicsville neighborhood; and

WHEREAS, the remnant is no longer needed by the City and was included in the list of parcels for sale in the Model Cities Urban Redevelopment Area; and

WHEREAS, it is in the best interest of the City to sale this remnant to the abutting property owner, M & A Homes, LLC who proposes to build six (6) town homes; and

WHEREAS, pursuant to Section 2-1571 of the Procurement and Real Estate Code of the City, the narrow strip of land, known as Parcel 18 Area 3 of the Model Cities Area, is so shaped or so small as to be incapable of being used independently as zoned or under applicable subdivision or other development ordinances of the City; and

WHEREAS, the narrow strip of land, known as Parcel 18 Area 3 of the Model Cities Area, shall be appraised and sold to the abutting property owner (s) at fair market value in accordance with the procedures outlined in Section 2-1578 and 138-5 of the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That the narrow strip of land, known as Parcel 18 Area 3 of the Model Cities Area, along the north side of Fulton Street between Ira Street and Windsor Street, as shown on Exhibit "B" and further described in the warranty deed and legal description attached as Exhibit "A", is hereby declared no longer useful or needed by the City.

SECTION 2: That pursuant to Section 2-1571(a)(1) of the City of Atlanta Code of Ordinances, the City Council determines that this narrow strip of land may be sold to M & A Homes, LLC, the abutting property owner.

SECTION 3: That the Mayor be and is hereby authorized to execute a Quit Claim Deed to M & A Homes for Parcel 18, Area 3 of the Model Cities Urban Redevelopment for a price equal to the fair market value as established by an appraiser selected by the City of Atlanta.

SECTION 4: That the Chief Procurement Officer is authorized to convey said narrow strip of land for the fair market value as established by an appraiser selected by the City of Atlanta.

SECTION 5: That the City Attorney be and is hereby authorized and directed to prepare the appropriate instruments for execution by the Mayor and to be approved by the City Attorney as to form.

SECTION 6: That same instruments shall not become binding on the City and the City shall incur no liability upon same until it has been executed by the Mayor and delivered to the contracting party.

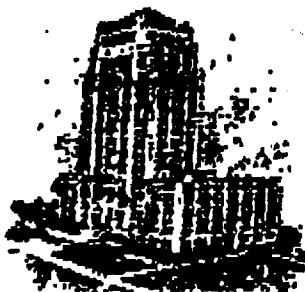


Exhibit "A"

CITY OF ATLANTA

MAYNARD JACKSON, MAYOR
DEPARTMENT OF LAW @ 2000 BANK OF THE SOUTH BUILDING
ATLANTA, GEORGIA

CLERK OF THE SUPERIOR COURT

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FULTON

THIS INDENTURE, Made the _____ day of _____, in the year one thousand nine hundred eighty-two, between

THE HOUSING AUTHORITY OF THE CITY OF ATLANTA, GEORGIA
of the County of Fulton, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and
City of Atlanta, a municipal corporation

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permit).

WITNESSETH that: Grantor, for and in consideration of the sum of ONE DOLLAR AND OTHER VALUABLE CONSIDERATIONS (\$1.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, All that tract or parcel of land lying and being in Land Lot 85 of the 14th District of Fulton County, Georgia, known as Parcel 18, Area 3, Model Cities Redevelopment Area, as per survey recorded in Plat Book 125, page 6, Fulton County Records, and being more particularly described as follows:

BEGINNING at an iron pin located at the intersection of the westerly right-of-way of Windsor Street with the northerly right-of-way of Fulton Street (66' R/W); and running thence along the northerly right-of-way of Fulton Street, N85°07'30"W 447.04 feet to an iron pin; running thence N02°22'30"E 13.44 feet to an iron pin; running thence S08°32'30"E 447.26 feet to an iron pin located on the westerly right-of-way of Windsor Street; running thence S03°19'30"W, along the westerly right-of-way of Windsor Street, a distance of 40.5 feet to an iron pin located on the northerly right-of-way of Fulton Street and the point of beginning; said parcel containing 0.2768 acres.

GEORGIA, Fulton County, Clerk's Office Superior Court

Filed & Recorded, MAY 26 1982 at 2:47 *Shirley J. Rice* CLERK

